

# Ordinance No. 54

TOWNSHIP OF COVERT, VAN BUREN COUNTY

AS AMENDED BY ORDINANCE NO. 94

EFFECTIVE DATE OF AMENDMENTS: MAY 21, 2017

AS FURTHER AMENDED BY ORDINANCE NO. 95

EFFECTIVE DATE OF AMENDMENTS: SEPTEMBER 23, 2017

## RENTAL PROPERTY REGISTRATION AND INSPECTION ORDINANCE

The Township of Covert ordains that its code of ordinances is hereby amended by the adoption of an amended PROPERTY REGISTRATION ORDINANCE as follows:

### SECTION 1. PURPOSE:

The purpose of this ordinance is to protect the public health, safety and welfare of occupants in the residential buildings, occupied pursuant to a verbal or written lease agreement, in which rental consideration is a condition of occupation, or if offered for rental, by the registration, inspection, and certification of rental properties as set forth in this ordinance.

### SECTION 2. REGISTRATION REQUIREMENT:

- A. Occupancy of any dwelling by anyone other than the owner of record and his/her immediate family shall be presumed to require registration under this Ordinance. Immediate family shall consist of the owner and his/her spouse, parents, spouse's parents, children (including foster children) and grandchildren.
- B. Residential rental property is described as property which is not occupied by the owner or mortgagee/land contract holder thereof, and for which the property owner receives remuneration, or for which has gifted rent to a non-owner/occupant.
- C. Registration Required. No person shall hereafter occupy, allow to be occupied, or let to another person for occupancy, any residential rental property within the Township of Covert for which a registration statement has not been properly made and filed with the Township Staff and for which a Certificate of Occupancy has not been issued. Registration shall be made upon forms furnished by the Township Staff for such purpose and shall specifically include the following minimum information:
  - (1) Name, address and phone number of the property owner;

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- (2) Name, address and phone number of the designated local property manager if the property owner lives outside the metropolitan area;
- (3) The street address of the rental property;
- (4) The number and types of units within the rental property (dwelling units or sleeping rooms);
- (5) The maximum number of occupant permitted for each dwelling unit or sleeping room;
- (6) The name, address and phone number of the person authorized to make or order repairs or services for the property, if in violation of Township or State codes, if the person is different than the owner or local manager; and
- (7) Name of current tenant.

### **SECTION 3. MANNER OF REGISTERING:**

Registration must be made in the Township offices with the designated Township Staff member, elected official or employee on or before January 31, (1) every three years, or (2) when there is a turnover by the property owner or designated local property manager.

The applicant/owner or his designated representative, by filing a registration application, shall be deemed to have given the consent to the Covert Building Inspector to enter each rental unit, at reasonable times and upon reasonable notice, to inspect the premises at any time after the application is made or a Certificate of Occupancy is issued.

### **SECTION 4. TRANSFER OF PROPERTY:**

Every new owner of rental property (whether as fee owner or contract purchaser) shall be required to furnish to the Township Staff the new owner's name, address, and phone number and the name, address, and phone number of the owner's designated manager before taking possession of the property. No registration fee shall be required of the new owner during the year in which possession takes place provided that the previous owner has paid all prior registration fees and has complied with all requirements of this ordinance and any notices from the Township concerning violations of health, zoning, fire, blight, or safety codes of the Township.

### **SECTION 5. CHANGE IN TYPE OF OCCUPANCY:**

If any change in the type of occupancy as originally registered is contemplated by the

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owner/new owner, a new registration statement will be required.

### **SECTION 6. INITIAL INSPECTION; ORDERS; POWER TO VACATE:**

After registration, an initial inspection of the rental unit(s) shall be conducted as soon as inspection schedules permit. If the rental unit(s) is not in compliance with the rules, regulations, laws, or housing codes of the Township of Covert and/or the State of Michigan, the Building Inspector shall furnish the applicant with a written list of the specific violations which shall be corrected within sixty (60) days of the date of the written list of violations. Two weeks prior to the end of the 60 day correction period, the Building Inspector shall send a letter of reinspection with a set date and time for reinspection.

A Certificate of Occupancy will not be issued for an unoccupied unit(s) until the listed violations are fully corrected. However, if a unit is already occupied, and if occupancy can continue safely, the Building Inspector shall issue a Conditional Certificate of Occupancy allowing occupancy to continue while violations are being corrected within the required 60 day correction period provided that the violation(s) does not render the unit(s) unfit for occupancy or is of a nature which if not corrected would result in further deterioration and subsequent danger to human life, safety or welfare. No Certificate of Occupancy, Conditional or otherwise, shall be issued if occupancy will endanger the health, safety, or welfare of the public. In such cases it shall result in the issuance of a violation notice and a notice to vacate.

### **SECTION 7. REINSPECTION; REVOCATION:**

A follow-up inspection shall be conducted, if necessary, to verify that all the violations listed pursuant to Section 6. herein, have been fully corrected. If not corrected, either another reinspection shall be scheduled within thirty (30) days, at the discretion of the Building Inspector, or if in the opinion of the Building Inspector, a good faith effort to correct the code violations has not been made, the Conditional Certificate of Occupancy (if any), issued pursuant to Section 6., shall be revoked and a notice to vacate the unit(s) shall be issued. Reinspection following an additional 30 days shall result in either a Certificate of Occupancy or an issuance of a violation of notice and a notice to vacate.

### **SECTION 8. ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

If after the initial or subsequent inspection, the dwelling unit(s) is found to be in compliance with the rules, regulation, laws, and ordinances of the Township and/or the State of Michigan, the Building Inspector shall issue a Certificate of Occupancy for the unit(s) in the name of the owner or designated representative.

### **SECTION 9. FEES:**

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- a) There will be a charge of Twenty-Five (\$25.00) Dollars for every registration required under this ordinance, however, there shall be a Forty-Five (\$45.00) Dollar fee assessed for late registration.
- b) No fees shall be charged by the Township for the first inspection and a 60-day inspection as contemplated by this ordinance to determine that any violations of the Township ordinance have been corrected by the owner or property manager. However, there shall be a fee of Seventy-Five (\$75.00) Dollars to be added to the tax roll as a special assessment against the property if, in the discretion of the Building Inspector, an additional, one-time, 30-day inspection is granted.

### **SECTION 10. CERTIFICATE REQUIREMENT:**

- a) After the initial inspection of the rental unit(s), pursuant to Section 6., no single unit dwelling, multiple unit dwelling, boarding house, lodging house, or other rental property offered to let or hire shall be occupied unless the Covert Building Inspector has issued a Certificate of Occupancy or Conditional Certificate of Occupancy for the single unit dwelling, multiple unit dwelling, boarding house or lodging house in the name of the owner or his/her designated representative.
- b) Each Certificate of Occupancy shall be effective until revoked by the Township, however, all units must be registered as set forth herein.

### **SECTION 11. RECURRING REGISTRATION AND REINSPECTION:**

Properties not sold or transferred shall be re-registered and reinspected every three (3) years.

### **SECTION 12. MAINTENANCE OF RECORDS:**

All records, files, and documents pertaining to the rental registration and rental unit inspection program shall be maintained by the Township Staff and made available to the public as allowed or required by State law or Township ordinance.

### **SECTION 13. APPEAL:**

Any person who is grieved by a decision of the Building Inspector or whose Certificate of Occupancy has been revoked or if the unit(s) are found to be unfit for occupancy, shall be entitled to reconsideration by appealing the decision to the Township Board of Appeal as provided in the International Property Maintenance Code in effect.

### **SECTION 14. DISTRIBUTION:**

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A Certificate of Occupancy shall be given to the owner or his/her designated representative and the Township of Covert shall retain a copy.

### **SECTION 15. TRANSFERABILITY:**

A Certificate of Occupancy shall not be transferred to any other dwelling or unit for which it was originally issued.

### **SECTION 16. VIOLATION AND PENALTY**

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

### **SECTION 17. FURTHER PENALTIES; SEPARATE OFFENSE:**

The Covert Township Board may further institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any blight or blight factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

### **SECTION 18. SEVERABILITY:**

The sections and portions of this ordinance are declared to be severable and if any section or part hereof is declared to be illegal, unenforceable, or void for any reason, such illegality shall not affect the remaining sections of this ordinance.

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### **SECTION 19. EFFECTIVE DATE:**

This ordinance shall take effect thirty (30) days after its publication.

Amendment adopted July 09, 2002

Published July 18, 2002

Effective August 17, 2002

Amended February 11, 2003

Amended December 13, 2005

Amended March 14, 2006

Amended effective 5-21-17

Amended effective 9-22-17.